



BOARD FOR GEOLOGISTS AND GEOPHYSICISTS

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**MINUTES OF THE MEETING OF THE
BOARD FOR GEOLOGISTS AND GEOPHYSICISTS
September 28, 2001**

**2535 Capitol Oaks Drive
Sacramento, CA 95833-2926**

1. CALL MEETING TO ORDER

Dorene Dominguez, President, called the meeting to order at 9:00 AM.

2. ROLL CALL TO ESTABLISH QUORUM

Dorene Dominguez, President
Seena N. Hoose, Vice President
Karen Melikian
Sharon Jasek Reid

Others in attendance:

Paul Sweeney, Executive Officer
Gary Duke, Legal Counsel
George Dunfield, Enforcement Manager
Mary Lynn Ferreira, Associate Governmental Program Analyst
Richard Bailey, Office of Environmental Health Hazard Assessment
Trinda Bedrossian, Division of Mines and Geology
Steve Hao, California Department of Transportation
Robert Larson, Chair, Technical Advisory Committee
Arlene Sakazaki, Department of Consumer Affairs, Budget Office
Theodore Smith, Division of Mines and Geology
Chris Sullivan, University of San Diego, Center for Public Interest Law
John Williams, Ph.D., Chair, Examination Committee

3. PUBLIC COMMENT ON NON-AGENDA ITEMS

Steve Hao, California Department of Transportation, asked the Board if it is allowing electronically generated signatures on reports; and if not, does the Board have any plans to address the issue. Mr. Sweeney informed

The Mission of the Board for Geologists and Geophysicists is to Continuously Enhance the Quality, Significance, and Availability of Geological and Geophysical Services Offered to the People of California

him that the Board's Technical Advisory Committee is reviewing the use of digital signatures for future recommendations to the Board. Mr. Sweeney advised Mr. Hao that he will send him all information TAC has on the issue and will send him an agenda for the next TAC meeting.

4. APPROVAL OF THE MINUTES OF THE BOARD MEETING OF AUGUST 3, 2001

Ms. Reid moved to adopt as corrected the minutes of the open and closed sessions of the August 3, 2001, Board meeting.

Ms. Melikian seconded.

The motion passed unanimously.

5. EXECUTIVE OFFICER'S REPORT

- a.** Arlene Sakazake, Budget Analyst, reviewed actual expenditures for Fiscal Year 2000-01, authorized expenditures for Fiscal Year 2001-02, and an analysis of the Board's fund condition through Fiscal Year 2005-06. Ms. Reid cautioned Mr. Sweeney to monitor closely Division of Investigation charges because of the biennial accounting method used.

The Board directed Ms. Sakazake to prepare for the December meeting a report detailing estimated revenues and identifying actual areas of savings for Fiscal Year 2000-01, anticipated areas of savings for Fiscal Year 2001-02 and what items are included in various line items.

(Board Directive No. 01-33) – (Sakazaki)

- b.** George Dunfield, Enforcement Manager, reviewed the status of and statistics on enforcement and complaint cases since the last Board meeting.

Mr. Sweeney and Mr. Dunfield continue to meet with the Office of Environmental Health Hazard Assessment (OEHHA) to draft an inter-department confidentiality agreement between the Board and OEHHA to protect active enforcement casework and investigations. The Professional Licensure Working Group consisting of representatives of the Board, the Board for Professional Engineers and Land Surveyors and the California Environmental Protection Agency has been established to clarify and identify for implementation, the roles of the Registered Environmental Assessor II project managers in completion of environmental projects as they relate to activities to be completed by licensed Professional Engineers and Registered Geologists.

James F. Davis, State Geologist, has sent documentation to the Board requesting assistance in clarifying the role of Registered Geologists in forestry practice. Trinda Bedrossian, Division of Mines and Geology (DMG), reviewed DMG's concerns regarding potential unlicensed activity, particularly by federal employees. She also expressed DMG's concerns regarding technical peer reviews being contracted to unlicensed academia. The State Mining and Geology Board established a Forest

Geology Technical Advisory Committee that will hold its first meeting on October 11, 2001. As a starting point, the Committee plans to send a letter to agencies that oversee harvest timber plans for California advising that if practice of geology is performed on nonfederal lands, there must be a licensee in responsible charge.

Mr. Sweeney and Mr. Dunfield have been invited to give a presentation on professional geologic practice and formal environmental investigations at the spring 2002 Hazardous Materials Investigator Conference.

- c. Staff recently sent postcards announcing the availability of Information Bulletin No. 01-03. The bulletin advises that postcards will no longer be sent because of fiscal restraints.
- d. The directory of licensees on the website was updated on September 19, 2001.

Staff has made several improvements to the website in the last month.
- e. Mr. Sweeney reviewed Strategic Plan action items with current or upcoming due dates.
- f. Mr. Sweeney provided his Executive Officer's Activity Report for late summer/early fall 2001.

6. CONSIDERATION OF EXECUTIVE OFFICER'S RECOMMENDATION TO ADMINISTER THE BOARD'S EXAMINATIONS ONCE A YEAR INSTEAD OF TWICE, BEGINNING IN FISCAL YEAR 2002-2003

The Board discussed reducing the administration of examinations to once a year because of fiscal restraints.

Ms. Melikian moved to administer the Board examinations once a year in the Spring on a temporary basis due to lack of funds.

Ms. Dominguez seconded.

The motion passed unanimously.

The Board discussed those applicants scheduled for the National Association of State Boards of Geology's (ASBOG) examinations on September 14, 2001, who could not attend because of cancelled flights due to terrorists' activities on September 11, 2001. The Board will ask ASBOG if it will allow the Board to reschedule those applicants without further fee for the spring 2002 examinations. The Board directed Mr. Sweeney to inform those applicants that he will notify them of ASBOG's decision.

(Board's Directive No. 01-34) – (Sweeney)

The Board directed Mr. Sweeney to send a letter to ASBOG's President with copies to all member boards' Presidents advising them of the issues on which the Board will be requesting discussion at the ASBOG Annual Meeting.

(Board's Directive No. 01-35) – (Sweeney)

Ms. Reid moved that the Board request ASBOG to allow the Board to reschedule without additional examination fees for the Spring 2002 examination those applicants who could not attend the September 14, 2001, examinations because of the September 11, 2001, terrorists' activities; and that in the event ASBOG does not agree to the Board's request, applicants be advised of ASBOG's decision and informed that they must submit the appropriate examination fees to be rescheduled.

Ms. Hoose seconded.

The motion passed unanimously.

7. REPORT ON SUBMITTAL TO THE DEPARTMENT OF CONSUMER AFFAIRS OF A NEW LEGISLATIVE PROPOSAL REGARDING FEE INCREASES FOR THE BOARD'S LICENSES

Mr. Sweeney reported that he submitted to the Department of Consumer Affairs (DCA) a legislative proposal to increase the maximum allowed for renewal fees. Ms. Dominguez and Mr. Sweeney met with Senator Richard Polanco regarding the proposal who agreed to find an author for the legislation if DCA is not interested in sponsoring the proposal.

The Board directed Mr. Sweeney to prepare a justification for the proposed increase in maximum fees.

(Board's Directive No. 01-36) – (Sweeney)

8. ESTABLISH BOARD MEETING CALENDAR FOR 2002

The Board discussed its meeting calendar for 2002. Because of vacancies on the Board, it scheduled a meeting on March 25, 2001, and deferred further scheduling.

9. CONSIDERATION OF APPOINTMENTS TO THE BOARD'S COMMITTEES

The Board considered the reappointment for a second term of Victor Cherven, Ph.D., and Rebecca Sterbentz to the Examination Committee. John Williams, Ph.D., Chair of the Examination Committee, supported the reappointment stating that they are outstanding members of the Committee.

Ms. Dominguez moved to reappoint Victor Cherven, Ph.D., and Rebecca Sterbentz to the Examination Committee.

Ms. Hoose seconded.

The motion passed unanimously.

10. CONSIDERATION OF POTENTIAL CHANGE TO BOARD'S COMPLAINT DISCLOSURE POLICY

Mr. Duke pointed out the differences between the Board's current complaint disclosure policy and DCA's draft recommended standards for consumer complaint disclosure. The substantial difference is the time of disclosure of complaints. The Board does not disclose complaints until certain criteria is met including initiation of an accusation or statement of issues or a case is closed and a violation was established. The DCA's draft discloses complaints when a designated supervisor has determined that a probable violation of law has occurred or there is a possible risk of harm to the public.

Ms. Reid moved to send a letter to DCA providing the Board's philosophy strongly advocating that disclosure take place at the earliest time where the public is served and the respondent is protected.

Ms. Hoose seconded.

The motion passed unanimously.

(Board Directive No. 01-37) – (Sweeney)

11. UPDATE ON ACTIVITIES WITH THE NATIONAL ASSOCIATION OF STATE BOARDS OF GEOLOGY

Ms. Hoose reported that she spoke to Frank Turek, ASBOG President, who informed her that the agenda for the Annual Meeting will be established on Friday morning, October 12, 2001.

12. UPDATE ON MEETINGS WITH THE CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY'S OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT ON ISSUES OF MUTUAL CONCERN

Mr. Sweeney introduced Richard Bailey, Chief, OEHHA, Registered Environmental Assessor Program. Mr. Dunfield and Mr. Bailey are in constant communication regarding the area of Registered Environmental Assessors. Mr. Dunfield reported on his interaction with OEHHA under Agenda Item No. 5, Executive Officer's Report.

Ms. Dominguez thanked Mr. Bailey for attending the meeting, and expressed the Board's appreciation of OEHHA's continued cooperation.

13. TECHNICAL ADVISORY COMMITTEE REPORT

Robert Larson, Chair, Technical Advisory Committee (TAC):

- a. TAC met on September 7, 2001.
- b. TAC recommended to the Board the appointment of Robert Larson and Michael Hart to the State Mining and Geology Board's Forest Geology Technical Advisory Committee.

Ms. Reid moved to appoint Robert Larson and Michael Hart to represent the Board

on the State Mining and Geology Board's Forest Geology Technical Advisory Committee.

Ms. Hoose seconded.

The motion passed unanimously.

TAC considered language for proposed regulation concerning electronic signatures, but concluded that Government Code section 16.5 may address the need. Ms. Dominguez asked TAC to reconsider the matter.

TAC recommended to the Board proposed amendments to section 3008, California Code of Regulations.

Ms. Reid moved to notice for public hearing at its December 7, 2001, meeting amendments to section 3008 that (1) require a licensee to place his or her signature and seal on all documents that are considered the practice of geology or geophysics for which he or she is in responsible charge; (2) clarify that signing and sealing of geologic or geophysical documents when the underlying work was not performed by or under the responsible charge of the licensee is prohibited; (3) require each licensee to sign and seal a geologic or geophysical document when prepared by multiple licensees; and (4) require each licensee to include the date of signing and sealing immediately below or next to the signature and seal.

Ms. Melikian seconded.

The motion passed unanimously.

TAC continues to work on revisions to the Code of Professional Standards. While reviewing professional standards from other states, TAC has identified items as inappropriate for regulations but may be useful as guidelines. Therefore, TAC recommended that the Board consider directing TAC to draft guidelines on professional practice over the next year or two. The Board directed TAC to begin drafting guidelines on professional practice.

(Board Directive No. 01-38) – (TAC)

14. LEGISLATIVE COMMITTEE REPORT

Mr. Sweeney reported for J. C. Isham, Chair, Legislative Committee, who was unable to attend the meeting.

- a.** SB 136 (Figueroa) that previously contained the revised Act but no longer pertains to the Board is on the Governor's desk for signature.
- b.** AB 269 (Correa) that created the Division of Enforcement Oversight within DCA and provided that the Executive Officer of each board within DCA be appointed by a three-member panel comprised of a representative of the particular board, the Director and the Governor's appointments secretary is a two-year bill. The Board will consider a position on the bill at its December meeting.

15. EXAMINATION COMMITTEE REPORT

John Williams, Ph.D., Chair, Examination Committee:

- a. The Examination Committee met on August 10, 2001. The Board received draft minutes of the meeting.
- b. The Board received attendance statistics for the September 14, 2001, examinations. Approximately ten percent of applicants scheduled for examinations failed to appear. The graders have received the problems, and some graders have already returned them.

Dr. Williams complimented the staff and proctors on an outstanding job of administering the examination under difficult circumstances due to the national tragedy. The Board directed Mr. Sweeney to send each proctor, grader and staff member involved with the examinations a commendation letter and certificate of appreciation with a copy in each employee's personnel file.

(Board Directive No. 01-39) – (Sweeney)

- c. ASBOG is changing to a new method of examination grading called Statistical Equating. Dr. Williams has requested ASBOG's psychometricians to prepare a white paper on the method.

Dr. Williams stated that since the Board will begin administering examinations once a year, it is an opportunity for the Committee to work on other projects that it has not been able to complete. Therefore, he requested that the number of Committee meetings not be reduced. The Board agreed.

16. REPORT FROM BOARD ATTORNEY ON STATUS OF ASSIGNMENTS

Mr. Duke advised the Board on what provisions originally included in the revised Act it can accomplish by regulations.

The Board directed TAC to review Mr. Duke's comments for recommendation to the Board at its December 7, 2001, meeting on what areas to pursue through regulations. The Board also directed Mr. Sweeney to provide Mr. Duke's comments to the other Board committees for their information.

(Board Directive No. 01-40) – (TAC/Sweeney)

17. ANNOUNCEMENTS/ACTIVITIES OF BOARD MEMBERS

There were no Board members' announcements or activity to report.

18. ESTABLISH AGENDA FOR DECEMBER 7, 2001, BOARD MEETING IN SACRAMENTO WITH NOTIFICATION THAT ITEMS MUST BE SUBMITTED TO BOARD OFFICE NO LATER THAN NOVEMBER 16, 2001

Mr. Sweeney requested that any agenda item for the December 7, 2001, meeting not already identified at this meeting be submitted to him by November 16, 2001.

19. ADJOURN MEETING

Ms. Dominguez adjourned the meeting at 12:50 PM.

DORENE DOMINGUEZ, President

PAUL SWEENEY, Executive Officer

Date Approved: March 25, 2002